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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,769	03/19/2004	Paul K. Kromann	4250	7774
7590 03/22/2006				
Albert S. Michalik Law Offices of Albert S. Michalik, PLLC Suite 193 704 - 228th Avenue NE Sammamish, WA 98074			EXAMINER LE, THIEN MINH	
			ART UNIT 2876	PAPER NUMBER
DATE MAILED: 03/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,769

Applicant(s)

KROMANN ET AL.

Examiner

Thien M. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-30 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 13-15 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 6-9, 11, 12 and 16-24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The amendment filed on 1/4/2006 has been entered. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13 and 27 are rejected under 35 U.S.C. 112, first paragraph, because it is a single means claim and thus does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to access the metes and bounds the invention commensurate in scope with this claim [also see MPEP 2164.08(a)].

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Blair et al. (Patent Publication No. 2004/0107165 A1; Blair et al. – herein after referred as Blair).

Regarding claim 1, Blair discloses systems and methods for staging transactions, payments and collections. Specifically, Blair discloses a system 100; a lender/merchant control 120 which includes or is coupled to a database 122; the lender/merchant control 120 and database 122 are used to maintain accounts and other information related to the consumers they serve. "For example, lender/merchant control 120 may include a system, software and related user interface which can view, present, query, revise, calculate and update customer data and customer account information. Such merchant controls 120 can be any type of computer or related device capable of communicating with other types of communication devices or computers. For example, merchant control 120 can be a mainframe computer, such as those available from Tandem, a server computer, a personal computer, a personal digital assistant (PDA), other wired or wireless devices, hand-held devices, and the like. Database 122 may be any of a wide variety of storage devices including, for

example, magnetic storage systems such as tape or disk, optical storage systems, such as CD or DVD systems, and solid state systems such as RAM or ROM, and the like. Database 122 maintains a record of customer loans, purchases, payments, and the like. Each customer record in database 122 may include a wide range of information, including without limitation, customer name and address, customer's maternal or paternal maiden name, telephone or cell phone number(s), email address, password, loan number, loan amount, and the like." (see figure 1 and its descriptions).

Regarding claim 2, see the discussions regarding claim 1. Further, each of the service provider 150, the lender/merchant control 120, the POS device 160, etc., as shown in figure 1 inherently comprise at least a computing device.

Regarding claim 3, see the discussions regarding claim 1. Blair discloses that the database of figure 1 could take the form of magnetic tape and disk, optical storage devices, such as CD or DVD that would inherently includes a card type memory; and thus would embrace all limitations set forth in this claim.

Regarding claims 4-5, Blair discloses that the "lender/merchant control 120 may include a system, software and related user interface which can view, present, query, revise, calculate and update customer data and customer account information." (see paragraph 22, page 3). And thus would embrace all limitations set forth in this claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10, 13, 15, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair et al. (Patent Publication No. 2004/0107165 A1; Blair et al. – herein after referred as Blair; cited above) in view of Daniell et al. (Daniell et al. – PG PUB 2005/0080861; herein after referred to as Daniell).

Regarding claims 10, 13, 15, and 25-27, see the discussions regarding claims 1-5.

According to Daniel, "once the email mailboxes are set up by the owner of the ISP account, when an individual user logs into his or her email account, that user's individual email messages are retrieved and displayed to the user. In addition, in some embodiments, all mailboxes on an ISP-level account are accessed, and messages are downloaded upon login by any individual. The login by an individual thus preferably results in a retrieval of email messages for the individual and retrieval of email messages directed to the group. Thus, for some embodiments, all email messages for all individual users (including those not logged in) may be retrieved from a POP3 server at substantially the same time. Preferably, in some embodiments, email messages for each of the mailboxes are retrieved sequentially from the POP3 server. The order of retrieval is, preferably, the same for each time that the email client checks the POP3 server for new email messages. Once the email messages have been retrieved from the POP3 server and stored locally, those email messages may be displayed at user interfaces similar to that shown in FIGS. 4A through 6. For other embodiments, when a user logs in, only those mailboxes associated with that user (e.g., individual email mailbox of the user and group email mailbox) may be accessed, rather than downloading all email messages for all users." (paragraph 42).

As can be seen, Daniel discloses the method of maintaining account data, reading, setting and updating customer profiles.

It would have been obvious to modify Blair's system to include the use of a mail server, the hardware removal update for added security while allowing transaction to be conducted on line or over the Internet.

Further, the method of updating the user's interface in according with user's account data, the steps of maintaining the data in a single storage volume, mapping messages, etc., are considered as parts of database and online transaction techniques which are embraced by the teaching of the use of the POP3 mail server, and the database of the combined system as taught by Blair and Daniel.

Remarks

Applicant's amendments and arguments filed on 1/4/2006 have been fully considered.

1. Applicant arguments with respect to "single means" claims 13 and 27 are not considered persuasive since it is considered as an "independent claim". However, according to the arguments, it is deemed that applicant is referring to claims 13 and 27 as "a dependent claim". Clarification is respectfully required.
2. Applicant's arguments are directed to a mobile, the specifics of setting mail account settings on a mobile device. However, these limitations are nowhere found in claims 14, and 28.

The examiner does not necessarily disagreed with applicant's proposed ways of reading the claim languages. However, the claims, as "broadly recited" could be read in light of broad classed of devices and application.

3. With regarding claims 2, 10, 25 and 26, see the grounds of rejection in the Non Final Office Action for discussions regarding removable memories and/or alternative storage medium.

4. The arguments with respective to claims 6-9, 11, 12, 16-24 are considered persuasive. Thus, their grounds of rejections have been withdrawn.

5. Applicant's arguments with respective to claims 28-30 are considered persuasive. Thus, their grounds of rejection have been withdrawn.

Since the examiner overlooked the ground of rejection on claim 27, and since it has the same format and status with claim 13, this Office Action is a Non-Final Office Action.

Allowable Subject Matter

Claims 28-30 are allowed.

Claims 6-9, 11, 12, 16-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant's arguments are considered persuasive with respect to the claims that are directed to the specific mail account setting functions and features. Thus, there grounds of rejection have been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (571) 272-2396. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Le, Thien Minh
Primary Examiner
Art Unit 2876
August 22, 2005